

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VIRIDIS LABORATORIES, LLC,  
a Michigan limited liability company, and  
VIRIDIS NORTH, LLC,  
a Michigan limited liability company,

Plaintiffs,

v

JULIE KLUYTMAN, an individual,  
DESMOND MITCHELL, an individual,  
ALLYSON CHIRIO, an individual, and  
CLAIRE PATTERSON, an individual,

Defendants.

No.

HON.

MAG.

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**NOTICE OF REMOVAL ON BEHALF OF ALL DEFENDANTS**

Under 28 U.S.C. §§ 1441(a), 1331, 1343, and 1367(a), Defendants Kluytman, Mitchell, Chirio, and Patterson hereby give notice of the removal of this cause of action from the Circuit Court for the County of Ingham, Michigan, to the United States District Court for the Western District of Michigan. As grounds for removal, Defendants state that this is a civil cause of action based on federal question jurisdiction and that:

1. Plaintiffs filed their complaint, with exhibits, in the Ingham County Circuit Court on February 18, 2022. (Ex. 1, State Court Complaint with Exhibits.) The Ingham County Circuit Court issued a summons for each defendant on February 18, 2022, each with an expiration date of May 20, 2022. (Ex. 2, Summonses.)

2. Defendant Mitchell was served via personal service on March 4, 2022; Defendant Kluytman was served via personal service on March 8, 2022; Defendant Patterson was served via personal service on March 9, 2022; and Defendant Chirio was served via personal service on March 22, 2022. Therefore, this notice is timely under 28 U.S.C. § 1446(b)(1).

3. This lawsuit is a civil action based solely on claims arising under federal law that may be removed to this Court based on federal question jurisdiction.

4. Plaintiffs have sued Defendants based on Defendants' alleged violation of Plaintiffs' Fourteenth Amendment Rights under 42 U.S.C. § 1983. (*See* Ex. 1.)

5. Plaintiffs request “a judgment in their favor and against the named defendants in an amount greater than \$25,000, along with their attorney fees as allowed by 42 USC 1988, and awarding Plaintiffs any other relief [the] Court deems just and proper.” (Ex. 1 at 33, 36, 39.)

6. Under 28 U.S.C. §§ 1331 and 1343, the federal court has original jurisdiction over Plaintiffs’ claims arising under federal law. Because this Court has original jurisdiction based on the federal questions presented, this case is removable to federal court under 28 U.S.C. § 1441(a).

7. Venue is appropriate in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) & (2).

8. In accordance with 28 U.S.C. § 1446(b)(2)(A), all defendants who have been served join in and consent to the removal of this action.

9. A copy of this Notice of Removal, with accompanying exhibits, and a Notice of Filing Notice of Removal will be served on Plaintiffs and will be filed with the Clerk of the Ingham County Circuit Court promptly after the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d).

10. Based on information and belief, no other process, pleadings, or orders have been served on Defendants other than the summonses and complaint.

Wherefore, Defendants Kluytman, Mitchell, Chirio, and Patterson respectfully request that this Court remove the action from the Ingham County Circuit Court for the State of Michigan to the United States District Court for the Western District of Michigan.

Respectfully submitted,

/s/ Erika N. Marzorati

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Dated: March 25, 2022

### CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2022, I electronically filed the Notice of Removal on Behalf of All Defendants with the Clerk of the Court using the ECF system, which will send notification of such filing to the ECF participants listed below. I further certify that I mailed a copy to Attorneys for Plaintiffs, David R. Russell, Brandon M. H. Schumacher, and Kevin M. Blair, by depositing same in a United States postal depository enclosed in an envelope bearing first class postage fully prepaid and plainly addressed as follows:

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